

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMELIA L. BUTLER,) CASE NO. C16-1184 RSM
Plaintiff,)
v.) ORDER OF DISMISSAL
NEW HORIZONS COMPUTER)
LEARNING CENTERS-GREAT LAKES,)
et al.,)
Defendants.)

THIS MATTER comes before the Court on Defendants' Motion to Dismiss for Insufficient Service of Process. Dkt. #40. Defendants assert that Plaintiff has failed to properly serve them in accordance with Federal Rule of Civil Procedure 4. *Id.* Having reviewed the motion, the Declaration filed in support thereof, and the remainder of the record, the Court agrees that Plaintiff has failed to effect proper service. Although Plaintiff has filed numerous Declarations of Service, none of those Declarations reflect that Defendants, or an agent thereof, have been properly served. *See* Dkts. #16, #34, #35, #44, #45, #49, #51 and #52. Ms. Butler apparently served copies of the Summons and Complaint on a woman named Lisa Kelley in Livonia, MI. *Id.* Ms. Butler asserts that Ms. Kelley is an attorney in Defendants' legal department and had the authority to accept service. *Id.* However, the record demonstrates that Ms. Kelley is a former accounts payable clerk for NH Learning Solutions Corporation, who is not a named Defendant in this action, and was not authorized to accept service for either of the named

ORDER

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1 Defendants in this action. Dkt. #40-1 at ¶¶ 3-9. Although Ms. Butler was informed of this
2 deficiency in response to her prior motions, it appears she has never attempted to properly serve
3 Defendants.

4 Accordingly, for the reasons set forth in Defendants' motion, the Court agrees that service
5 was improper, and the Court hereby GRANTS Defendants' motion (Dkt. #40) and DISMISSES
6 this case.
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8 In addition, Plaintiff's second Motion for Default Judgment (Dkt. #48) is DENIED for the
9 same reasons the Court denied her first motion for default judgment (Dkts. #38 and #46) and
10 because it is now MOOT.
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12 The Clerk SHALL mail a copy of this Order to Plaintiff via U.S. Mail.
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14 This matter is now CLOSED.
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16 DATED this 27th day of April, 2017.
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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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